

Serial No. : 10/803,726
Applicant : Philip J. Quenzi
Page 9

REMARKS

As an initial matter, Applicant acknowledges and thanks the Examiner for the teleconference with the undersigned on April 24, 2006, wherein the Examiner agreed to consider claims 52-58 along with claims 1-24 in the present application.

Applicant further acknowledges the Examiner's review of the specification, claims, and drawings. In light of the following remarks, Applicant respectfully requests reconsideration of the present application. The remarks presented herein are fully supported by the application as originally filed. No new matter has been entered.

STATUS OF THE CLAIMS:

Claims 1-24 and 52-58 are pending in the application. Claims 25-51 have been withdrawn from consideration in the present application subject to Applicant's right to pursue said claims in one or more continuing applications. Claims 3, 8, and 13 have been amended.

ALLOWABLE SUBJECT MATTER:

Claims 3-11 and 13-16 were indicated as being directed toward allowable subject matter and as being allowable if rewritten in independent form. Applicant has amended Claims 3, 8, and 13 to include all of the limitations of Claim 1 from which they each depend so that Claims 3, 8, and 13 are now in independent form and such that Claims 3-11 and 13-16 are now in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. §102:

The Office Action rejects Claims 1-2, 12, 17-20, 22, and 24 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,942,249 to Poehlmann. Claims 2, 12, 17-20, 22, and 24 ultimately depend from Claim 1, therefore, the rejection of these claims will be addressed in reference to Claim 1.

Applicant respectfully traverses this rejection. Claim 1 is reproduced below:

A knife comprising:
a handle;
a rotatable blade pivotally mounted to said handle;

Serial No. : 10/803,726
Applicant : Philip J. Quenzi
Page 10

a blade lock having a blade locking member;
at least one blade rotation member mounted on one side of said handle for opening and closing said blade;
a cam connected to and driven by said at least one blade rotation member, said cam adapted to contact said blade lock for engaging and disengaging said blade locking member with said blade;
said blade having an open blade lock portion and a closed blade lock portion, wherein said blade locking member is selectively receivable by said open blade lock portion and said closed blade lock portion for securing said blade, said blade lock being biased such that said blade locking member is urged toward one of said open and closed blade lock portions, and wherein said cam disengages said blade locking member from said closed blade lock portion when opening said knife and disengages said blade locking member from said open blade lock portion when closing said knife.

With respect to Claim 1, Applicant respectfully submits that Poehlmann does not disclose the invention of Claim 1. The Office Action takes the position that Poehlmann's intervening plate 9 discloses a blade lock as defined by Claim 1, Poehlmann's hub 21 discloses a blade rotation member as defined by Claim 1, Poehlmann's detent 48 discloses a cam as defined by Claim 1, and Poehlmann's integral key 52 discloses a cam shoulder as defined by Claim 1.

Careful review of Poehlmann, however, reveals that Poehlmann does not disclose a blade lock as set forth in Applicant's Claim 1 and that the knife of Poehlmann does not operate in the same manner as Applicant's knife. Applicant's Claim 1 specifies "a blade lock having a blade locking member" with the "blade lock being biased such that [the] blade locking member is urged toward one of [an] open and closed blade lock portions" on the blade.

The intervening plate 9 of Poehlmann, in contrast, is only used to space apart parallel walls 7 and 8, with the "intervening plate 9 secured to the walls by fasteners 11 and 12; for example, rivets." (Col. 1, ll. 58-59). Intervening plate 9 is thus held immovable between walls 7 and 8.

Poehlmann also discusses the inclusion of a surface 61 at an end of intervening plate 9 to accomplish "the preference, for a smooth exterior appearance

Serial No. : 10/803,726
Applicant : Philip J. Quenzi
Page 11

and finish when open.” (Col. 3, ll. 45-47). As shown in FIG. 9 of Pochlmann and discussed at Col. 3, ll. 48-56:

The [knife blade 41] base includes an arcuate termination ending in a step surface 62. In the projected position of the knife blade, the surface 62 abuts the surface 61 or very nearly so. There is no particular force between those parts, the stop function being accomplished by the internal keys. This manner of finish avoids a feather edge termination on the plate 9 where it lies against the arcuate portion of the knife base.

The surface 61 of intervening plate 9 of Pochlmann thus does not exhibit a force to surface 62 and is not used to prevent movement of knife blade 41 such that it cannot be considered a blade locking member. Rather, prevention of movement is accomplished by keys 52, 53 in Pochlmann. (See Col 2, ll. 51 through Col 3, ll. 25). Specifically, as shown in FIG. 3 of Pochlmann, keys 52, 53 simultaneously mate within notches 38, 39 on wall 8 and within notches 44, 46 of knife blade 41 to prevent rotation of blade 41.

As evident by the above description, the intervening plate 9 of Pochlmann is not movably biased and does not include a blade locking member to secure the blade. Applicant respectfully submits, therefore, that Pochlmann does not disclose “a blade lock having a blade locking member” with the “blade lock being biased such that [the] blade locking member is urged toward one of [an] open and closed blade lock portions” on the blade as specified in Claim 1.

As also noted above, the Office Action takes the position that the detent 48 of Pochlmann discloses a cam. Claim 1 specifies “a cam . . . adapted to contact [the] blade lock for engaging and disengaging [the] blade locking member with [the] blade.” To the extent intervening plate 9 is referred to as a “blade lock” in the Office Action, however, the detent 48 of Pochlmann does not even contact the intervening plate 9. Unlocking of Pochlmann knife blade 41 to allow movement of blade 41 is accomplished by disengaging keys 52, 53 from notches 38, 39 of wall 8 by axial displacement of detent 48 as shown in FIG. 7, such that keys 52, 53 are located fully within notches 44, 46 of knife blade 41.

Serial No. : 10/803,726
Applicant : Philip J. Quenzi
Page 12

Because of these differences, Applicant respectfully submits, therefore, that Pochlmann also does not disclose “a cam . . . adapted to contact [the] blade lock for engaging and disengaging [the] blade locking member with [the] blade” as specified in Claim 1.

Applicant submits that the knife of Claim 1 is not anticipated by Pochlmann, nor by any other reference of record, for at least the reasons discussed above and respectfully requests a Notice of Allowance of Claim 1, as well as of Claims 2, 12, 17-20, 22, and 24, which depend from Claim 1.

CLAIM REJECTIONS UNDER 35 U.S.C. §103:

The Office Action rejects Claim 21 under 35 U.S.C. §103(a) as being unpatentable over Pochlmann, taking the position that the inclusion of through holes is a matter of obvious design choice with regard to the disclosure of Pochlmann. The Office Action also rejects Claim 23 under 35 U.S.C. §103(a) as being unpatentable over Pochlmann, taking the position that the use of glass reinforced polymeric material is a matter of obvious design choice with regard to the disclosure of Pochlmann.

Applicant also respectfully traverses this rejection. As noted above in regard to Claim 1, Applicant notes that Pochlmann does not disclose “a blade lock having a blade locking member,” or “a cam . . . adapted to contact [the] blade lock for engaging and disengaging [the] blade locking member with [the] blade” as specified in Claim 1. Nor does Pochlmann suggest any modification of its knife to include a blade lock contacted by such a cam to operate its knife in the manner defined by Applicant's Claim 1.

Applicant also submits that Pochlmann's cross bars or roughening 69 on detent 48 does not disclose or suggest a “blade rotation member include[ing] a plurality of circumferentially spaced through holes to aid in gripping” as specified in Applicant's Claim 21. Applicant further submits that Pochlmann does not disclose or suggest a “handle [] made from glass reinforced polymeric material” as specified in Applicant's Claim 23.

Serial No. : 10/803,726
Applicant : Philip J. Quenzi
Page 13

Applicant respectfully submits, therefore, that Poehlmann does not render obvious the combination of Claims 21 or 23 and respectfully requests a Notice of Allowance of Claims 21 and 23.

CLAIMS 52-58:

As noted above, pursuant to the teleconference of April 24, 2006, between the Examiner and the undersigned, Claims 52-58 will also be considered in the present application. Claim 52 is reproduced below:

A knife comprising:
a handle;
a rotatable blade pivotally mounted to said handle,
said blade having at least one blade lock portion;
a blade lock having a blade locking member, said
blade locking member being receivable by said at least one
blade lock portion for securing said blade, said blade lock
being biased such that said blade locking member is urged
toward said at least one blade lock portion;
at least one blade rotation member mounted on one
side of said handle for opening and closing said blade;
a cam connected to and driven by said at least one
blade rotation member, said cam adapted to contact said
blade lock for engaging and disengaging said blade locking
member with said at least one blade lock portion;
said blade having a drive pin, wherein said drive
pin is adapted to be contacted by said cam and rotate said
blade when said at least one blade rotation member is
rotated.

Claim 52 specifies a "blade having a drive pin" in similar manner to Claims 3 and 8, which were previously indicated by the Examiner as being allowable as noted above. For this and reasons similar to those set forth above in regard to Claim 1, Applicant submits that Claim 52 is not anticipated or obvious in view of the prior art of record and, therefore, respectfully requests a notice of allowance of Claim 52, as well as of Claims 53-58, which depend from Claim 1.

Serial No. : 10/803,726
Applicant : Philip J. Quenzi
Page 14


In light of the above remarks, Applicant respectfully requests reconsideration of the present application and a Notice of Allowance of all pending claims.

Respectfully submitted,

PHILIP J. QUENZI

By: Van Dyke, Gardner, Linn &
Burkhart, LLP

Date: April 25, 2006.


Karl T. Ondersma
Registration No. 55 894
2851 Charlevoix Drive, S.E.
P.O. Box 888695
Grand Rapids, MI 49588-8695
(616) 975-5500

KTO:wen